

HOUSE BILL No. 1217

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-41-9.5.

Synopsis: Biomonitoring program. Requires the state department of health to establish a biomonitoring program to identify and assess the concentration of toxic chemicals in the bodies of individuals. Establishes the biomonitoring advisory panel. Requires the state department of health to issue reports to the general assembly and post certain information on an Internet web site.

Effective: July 1, 2008.

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January 17, 2008, read first time and referred to Committee on Environmental Affairs.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1217

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-36.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2008]: **Sec. 36.3. "Biomonitoring", for**
4 **purposes of IC 16-41-9.5, has the meaning set forth in**
5 **IC 16-41-9.5-1.**

6 SECTION 2. IC 16-18-2-336.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2008]: **Sec. 336.5. "Specimen", for purposes**
9 **of IC 16-41-9.5, has the meaning set forth in IC 16-41-9.5-2.**

10 SECTION 3. IC 16-41-9.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2008]:

13 **Chapter 9.5. Biomonitoring Program**

14 **Sec. 1. As used in this chapter, "biomonitoring" means**
15 **identifying and assessing the concentration of toxic chemicals and**
16 **their metabolites in an individual's body.**

17 **Sec. 2. As used in this chapter, "specimen" means a sample of**



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a substance that is part of or present in the human body, including blood, bone, umbilical cord blood, meconium, fat, hair, milk, saliva, and urine.

Sec. 3. (a) The state department, with assistance from the department of environmental management and the federal Centers for Disease Control and Prevention, shall establish a biomonitoring program to gather specimens to identify and assess the concentration of toxic chemicals in individuals.

(b) The biomonitoring program must include the gathering of a statistically valid sample of specimens from individuals from certain populations, which may be selected for inclusion in the program based on any or all of the following:

- (1) Geography.
- (2) Similar occupations.
- (3) A common chemical exposure.
- (4) A common health outcome that may be linked to chemical exposure.
- (5) Other factors determined by the state department.

(c) The state department shall develop a list of toxic chemicals that have been scientifically demonstrated to cause or contribute to an increase in serious illness or death in humans.

Sec. 4. The state department, with assistance from the department of homeland security, the federal Department of Homeland Security, and the federal Centers for Disease Control and Prevention, shall include in the biomonitoring program the components that will assist in monitoring for and responding to chemical or biological attacks.

Sec. 5. An individual selected to be part of any biomonitoring program:

- (1) may not participate unless the individual consents in writing; and
- (2) if necessary, must receive consultation from the state department or a health care provider, including consultation concerning:
 - (A) test results;
 - (B) health care referrals;
 - (C) appropriate educational materials concerning chemical exposure; and
 - (D) available state and local resources.

Sec. 6. (a) The biomonitoring advisory panel is established. The panel consists of the following:

- (1) Eight (8) members appointed by the governor for a three

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1 (3) year term.

2 (2) The state health commissioner or the commissioner's
3 designee, who is not a voting member of the panel.

4 (b) The members appointed under subsection (a)(1) must
5 include individuals who have expertise in public health,
6 environmental science, environmental health, epidemiology,
7 biology, toxicology, and endocrinology. At least three (3) members
8 appointed under subsection (a)(1) must be physicians.

9 (c) The commissioner or the commissioner's designee shall serve
10 as chairperson of the panel. The state department and the
11 department of environmental management shall provide staff
12 support for the panel. The panel shall meet at the call of the
13 chairperson, but not less than two (2) times each year.

14 (d) The panel shall do the following:

15 (1) Make recommendations concerning the design of the
16 biomonitoring program.

17 (2) Review program priorities, protocols, reports, and
18 outreach materials, including the following:

19 (A) The selection of certain chemicals and communities as
20 priorities for biomonitoring.

21 (B) The dissemination of findings and reports to
22 participants, the general assembly, and the public.

23 (e) A member of the panel appointed under subsection (a)(1) is
24 not entitled to the minimum salary per diem provided by
25 IC 4-10-11-2.1(b) but is entitled to reimbursement for traveling
26 expenses as provided under IC 4-13-1-4 and other expenses
27 actually incurred in connection with the member's duties as
28 provided in the state policies and procedures established by the
29 Indiana department of administration and approved by the budget
30 agency.

31 Sec. 7. (a) In January of every even-numbered year, beginning
32 in 2012, the state department shall submit to the general assembly
33 in an electronic format under IC 5-14-6 a report of its activities in
34 conducting the biomonitoring program. The report must include
35 any recommendations of the state department or the biomonitoring
36 advisory panel to improve the biomonitoring program.

37 (b) The state department shall maintain an Internet web site
38 that contains:

39 (1) the reports required under subsection (a);

40 (2) summaries of all health and toxic chemical exposure data
41 collected under this chapter; and

42 (3) an explanation of the biomonitoring program and its

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purposes.

Sec. 8. Information that is gathered or produced by the biomonitoring program and that could identify an individual is confidential for purposes of IC 5-14-3-4(a)(1) unless the individual consents in writing to the release of the information.

Sec. 9. The state department may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 4. [EFFECTIVE JULY 1, 2008] (a) The governor shall appoint the eight (8) members of the biomonitoring advisory panel under IC 16-41-9.5-6(a), as added by this act, before July 1, 2009. Notwithstanding IC 16-41-9.5-6, as added by this act, the appointments under this SECTION must be as follows:

(1) Two (2) members whose terms expire July 1, 2010.

(2) Three (3) members whose terms expire July 1, 2011.

(3) Three (3) members whose terms expire July 1, 2012.

In making the appointments under this SECTION, the governor shall indicate whether each appointee is appointed under subdivision (1), (2), or (3).

(b) While establishing the biomonitoring program under IC 16-41-9.5, as added by this act, the state department of health shall consider the scientific methods used by the federal Centers for Disease Control and Prevention's National Reports on Human Exposure to Environmental Chemicals.

(c) This SECTION expires July 1, 2012.

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